IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.3100 OF 1985

The Municipal Corporation of
Greater Mumbai ...Plaintiff
vs.
Kishore Morarji Bhojraj & ORs. ...Defendants

Mr.R.Y.Sirsikar for the Plaintiff
Mr.R.M.Choksy for the Defendant

CORAM: A.S.OKA,J.
DATE : AUGUST 8,2007

P.C.:

1. The learned counsel for the Plaintiff has placed on record a letter dated 7th August 2007 sent by the Legal Department of the Mumbai Municipal Corporation (Plaintiff) to the Prothonotary and Senior Master. The said letter records that the Plaintiff desires to withdraw the suit. Along with the said letter, xerox copies of the communications issued by the Assessor and Collector,E Ward are placed on record. In the said communication it is stated that the property taxes have been paid in respect of the suit property up to 30th September 2006 and the repair cess bills have been paid upto 30th September 2006.

2. The learned Counsel for the Plaintiff states that the Plaintiff has no objection if the Court Receiver, High Court, Bombay appointed by the order dated 2nd September 1986 is discharged without passing account. He states that the Plaintiff has no objection if the possession of the suit property is handed over by the Court Receiver to the first Defendant. The Plaintiff has no objection if the Court Receiver pays to the first Defendant a sum of Rs.19,669/- lying with him in the suit account and any further amount

collected by the Court Receiver from the tenants after deducting his costs/charges if any.

3. Hence, I pass the following order :

i) Suit is dismissed as withdrawn.

ii) The Court Receiver, High Court, Bombay who is appointed as a Receiver of the suit property by order dated 2nd September 1986 in Notice of Motion No.2646 of 1985 stands discharged without passing account.

iii) The Court Receiver shall pay to the first defendant the balance amount of Rs.19,669/- as on 23rd May 2007 lying with the Court Receiver in the suit account and any further amount collected by the Court Receiver from the tenants of the suit property after deducting the costs/charges/expenses, if any, payable to him. The Court Receiver shall hand over the possession of the suit property to the first defendant.

iv) No order as to costs.

v) The Plaintiff will be entitled to refund of court fees as per the rules.

vi) Certified copy is expedited.

vii) Parties as well as the Court Receiver, High Court, Bombay to act upon an authenticated copy of this order.

JUDGE